

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION**

**SHIRLEY CAUSEY**

**PLAINTIFF**

**v.**

**CAUSE NO. 3:12-CV-479-CWR-FKB**

**MISSISSIPPI ADOLESCENT CENTER;  
MISSISSIPPI DEPARTMENT OF  
MENTAL HEALTH; SHIRLEY  
MILLER; JOHN AND JANE DOES 1-10**

**DEFENDANTS**

**ORDER**

Before the Court is the plaintiff's motion for reconsideration. Docket No. 13. The defendants have responded, Docket No. 16, the plaintiff has replied, Docket No. 17, and the matter is ready for review.

The plaintiff asks the Court to reconsider part of its Order granting the defendants' motion for partial judgment on the pleadings. *See* Docket No. 11. The motion is well-taken and will be granted. While the plaintiff may not seek monetary damages against the State of Mississippi under Title I of the Americans with Disabilities Act (ADA), her claim for reinstatement, brought against defendant Shirley Miller (a State employee acting in her official capacity), is treated as a form of injunctive relief that survives Eleventh Amendment immunity.<sup>1</sup> *Nelson v. Univ. of Texas at Dallas*, 535 F.3d 318, 321-24 (5th Cir. 2008); *Omobude v. Mississippi Dept. of Fin. & Admin.*, No. 3:10-cv-703, 2011 WL 346522, \*2 (S.D. Miss. Jan. 31, 2011); *Ramos v. Texas Dep't of Crim. Justice*, No. SA-00-CA-231-O, 2002 WL 1492574, \*2-3 & n.33 (W.D. Tex. Feb. 11, 2002).

Accordingly, the plaintiff may seek reinstatement under Title I of the ADA .

**SO ORDERED**, this the 9th day of October, 2012.

s/ Carlton W. Reeves  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> Miller was added as a defendant in the plaintiff's amended complaint. Docket No. 6.